



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA
:
- against -
:
BERNARD L. MADOFF,
:
Defendant.
:
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ORDER

09 Crim. 213 (DC)

CHIN, District Judge

This order supersedes the Court's order dated May 14, 2009, which provided an incorrect email address.

IT IS HEREBY ORDERED, with respect to the sentencing of the defendant Bernard L. Madoff, as follows:

1. Date and Location

The sentencing is adjourned to June 29, 2009, at 10:00 a.m. The proceedings will take place in the Ceremonial Courtroom on the 9th floor of the Daniel Patrick Moynihan United States Courthouse. The Court will provide two overflow viewing rooms, with closed-circuit audio and video feed of the sentencing proceedings. Further details will be provided at a later date.

2. Victim Statements

Pursuant to the Justice for All Act of 2004, 18 U.S.C. § 3771, victims have a right to be "reasonably heard" at sentencing. Under § 3771(d)(2), I find that the number of victims in this case makes it impracticable to accord all the victims the right to be heard in person at sentencing. Accordingly, the following procedures shall govern:

- a) Victims who wish to be heard in writing shall mail their written statements to the United States Attorney's Office for the Southern District of New York. To be considered by the Court, the correspondence must be received by the United States Attorney's Office by June 10, 2009. The letters shall be addressed as follows:

United States Attorney's Office
Attn: Wendy Olsen Clancy
Victim/Witness Coordinator
One St. Andrew's Plaza
New York, New York 10007

- b) Victims who wish to speak at sentencing shall email the United States Attorney's Office at usany.s.madoff@usdoj.gov by June 10, 2009, at 5:00 p.m. Only those victims who wish to speak in person at sentencing should email the Government. The email shall include a brief explanation of why the victim wishes to be heard at sentencing.
- c) The Government shall provide the Court and defense counsel with copies of the victims' letters and emails by June 12, 2009.
- d) Victims are hereby advised that the letters and emails will be made part of the public record.
- e) Due to the number of victims in this case, the Court cannot guarantee that every victim who wishes to speak at sentencing will have the opportunity to do so. Depending on the number of

victims who wish to be heard in person, the Court may limit both the number of speakers and the time any particular victim will be permitted to speak. The victims who will be permitted to speak will be notified by June 15, 2009.

3. Victim Notification

The Court will post this order on its website, in place of this Court's order dated May 14, 2009. The United States Attorney's Office shall promptly post this order on its website, in place of this Court's order dated May 14, 2009.

SO ORDERED.

Dated: New York, New York
May 20, 2009


Denny Chin
United States District Judge